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In re Application of RUELLE
U.S. Application No.: 09/914,168
Int. Application No.: PCT/EP00/01468
Int. Filing Date: 23 February 2000
Priority Date: 26 February 1999
Attorney Docket No.: BM45378
For: IMMUNOGENIC COMPOUNDS

DECISION

This is in response to applicant's "Response to Notification of Defective Response" filed 09 May 2002, which is being treated as a petition under 37 CFR 1.182. The requisite \$130.00 petition fee will be charged to Deposit Account No. 50-0258 as authorized in the petition.

BACKGROUND

On 23 February 2000, applicant filed international application PCT/EP00/01468, which claimed priority of an earlier United Kingdom application filed 26 February 1999. A copy of the international application was communicated to the USPTO from the International Bureau on 08 September 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 28 August 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 26 August 2001.

On 23 August 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 17 October 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371, which indicated that, *inter alia*, an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 28 January 2002, applicant filed two executed declarations, one signed by Jean-Louis Ruelle and another signed by Joelle Thonnard.

On 01 April 2002, the DO/EO/US mailed a Notification of Defective Response, which indicated that the 28 January 2002 submission was improper.

On 09 May 2002, applicant filed the present petition under 37 CFR 1.182. The petition requests that the declaration signed by Joelle Thonnard be withdrawn.

DISCUSSION

A review of the transmittal letter filed 23 August 2001 and the published international application reveals that Joelle Thonnard is not listed as an inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is **GRANTED**.

The application has an International Filing Date of 23 February 2000 and a date under 35 U.S.C. 371(c) of 28 January 2002.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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